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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY/DOCKET NO.
08/665,491	06/18/96	KRAMER	13M1/1006

HUDAK & SHUNK CO  
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13M1/1006

SNAY, J	EXAMINER
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ART UNIT	PAPER NUMBER
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10/06/97

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/665,491

Applicant(s)

Kramer

Examiner

Jeffrey R. Snay

Group Art Unit

1313



☒ Responsive to communication(s) filed on 2 Sep 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 1-12 and 21-28 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 13-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1313

1. Applicant's election of claims 13-20 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liddle in view of Palcher.

Liddle discloses a method for treating non-porous surfaces, including glass and plastic, comprising applying a composition which includes an alkylpolysiloxane, an aromatic or aliphatic sulfonic acid, and hydrofluoric acid. The treatment is disclosed as being effective for rendering

Art Unit: 1313

the surface water repellent, dirt repellent, and frost and ice repellent (see column 4, lines 1-34).

Liddle teaches an automobile windshield as a particular surface to be treated.

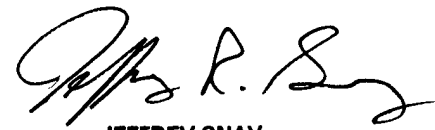
Liddle differs from the claimed invention in that it fails to teach applying the composition to a windshield wiper. However, Palcher teaches treatment of rubber, e.g. automobile tires, with an alkylpolysiloxane composition to protect against environmental conditions such as ozone and UV radiation. It would have been obvious to one of ordinary skill in the art to apply the treating method of Liddle to windshield wipers, as well as the disclosed windshield, in order to obtain the water and dirt repellency as taught by Liddle, and to further obtain the rubber protection against environmental damage, as taught by Palcher.

4. Claims 15-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Liddle in view of Palcher, as applied to claims 13 and 14 above, and further in view of Bright et al.

The method of Liddle as modified in view of Palcher differs from the claimed invention in that it fails to teach the particular sulfonic acids of instant claim 15. However, the selection of known aromatic sulfonic acids based on their suitability for the intended purpose in the method of Liddle is considered obvious and within the level of ordinary skill in the art. In this regard, Bright et al is relied upon solely as evidence that sulfonic acids of the type recited in the instant claims were known as useful in cleaning compositions.

Art Unit: 1313

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Snay whose telephone number is (703) 308-4032.

  
JEFFREY SNAY  
PRIMARY EXAMINER  
GROUP 1300

9/28/97

jrs

September 28, 1997